



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,125	03/24/2004	Kai Po Chen	FP10080	3679
52981	7590	06/14/2005		
LEONG C LEI PMB # 1008 1867 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94598			EXAMINER SEMBER, THOMAS M	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/807,125

Applicant(s)

CHEN, KAI PO

Examiner

Thomas M. Sember

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The applicant mentions a US application No. 434,510 on page 2 of applicant's specification. However, the examiner couldn't find the reference applicant was referring to in the specification. Furthermore, the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The abstract of the disclosure is objected to because it is a run-sentence. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: The specification includes several grammatical and idiomatic errors. For example, on page 1, lines 11-12 "LED provides directly projection" is idiomatically incorrect. This is just one example of the idiomatic and grammatical errors in the specification.

Appropriate correction is required of such errors in the specification.

### ***Claim Objections***

1. Claims are objected to because of the following informalities

Art Unit: 2875

- a.) In claim 1, lines 1-2 "two circuit board" should be —two circuit boards—.
- b.) In claim 1, lines 4-5 "the lower section" lacks a positive antecedent basis.
- c.) In claim 1, line 5 "the through hole" lacks a positive antecedent basis.
- d.) In claim 1, line 6 "the surrounding LED" lacks a positive antecedent basis.
- e.) In claim 1, lines 6-7 "the bottom" lacks a positive antecedent basis.
- f.) In claim 1, line 8, "the upper edge of base" lacks a positive antecedent basis.
- g.) In claim 1, line 8 "is adhered a lamp hood" is idiomatically incorrect.
- h.) In claim 1, line 8 "a lamp hood" is already recited in line 2.
- i.) In claim 1, line 9, "the lower section" lacks a positive antecedent basis.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: there is no relationship between the two circuit boards and the other claimed structural elements. Furthermore, after the applicant positively claims the circuit boards he only refers back to one circuit board and refers to the one circuit board as "another circuit board" but

Art Unit: 2875

never ties in the second circuit board with the first circuit board or any of the other claimed structural elements.

3. Claims 1-2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are extremely difficult to decipher what applicant is claiming and how the structural elements come together to form applicant's claimed illumination device. The claims are generally indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors (for example the recitations in claim 1, lines 1-2, "two circuit board" and line 8 "is adhered a lamp hood" are idiomatically incorrect. Furthermore as mentioned above there are several antecedent basis problems in the claims.

***Allowable Subject Matter***

4. **As best understood**, Claims 1-2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. Reasons for Allowance, Lee 2004/0022057 is a prior art reference most similar to applicant's invention. Lee prorates electrical connectors 150 through circuit board in order to connect the LED clusters with the bulb seat 110. However, Lee '057 fails to

Art Unit: 2875

teach a lamp hood, transparent base housing and a light reflective hood tied in with the circuit boards and LED clusters.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee '0022057, Li '367, Begemann, Wheeler et al and Patel et al disclose LED illumination devices similar to applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M Sember  
Primary Examiner  
Art Unit 2875

\*\*\*